

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AHMADOU SANKARA,

Petitioner,

v.

18-CV-1066
DECISION AND ORDER

WILLIAM P. BARR,
Attorney General of the United States,

THOMAS FEELEY,
Field Office Director for Detention and
Removal, Buffalo Field Office, Bureau of
Immigration and Customs Enforcement,

DEPARTMENT OF HOMELAND
SECURITY,

JEFFREY SEARLS,
Assistant Officer in Charge, Buffalo
Federal Detention Facility,

Respondents.

On September 27, 2018, the pro se petitioner, Ahmadou Sankara, filed a petition for a writ of habeas corpus, challenging his continued immigration detention pending the finality of his removal proceedings. Docket Item 1. On January 18, 2019, this Court issued a decision and order dismissing the petition “without prejudice to filing another petition if his § 1226(c) detention becomes unreasonably prolonged . . . or if,” after his removal proceedings conclude, “his actual removal is no longer reasonably foreseeable.” Docket Item 15 at 12. On January 25, 2019, the Court entered judgment dismissing the petition. Docket Item 16.

With little hesitation, on February 7, 2019, Sankara took up this Court's invitation and filed another petition for a writ of habeas corpus. The Clerk of Court docketed that proceeding under No. 19-CV-174. On February 13, 2019, this Court ordered the government to respond, and the government's response is not yet due. Nevertheless, Sankara has made a number of submissions in that proceeding, including filing exhibits on February 27, 2019, March 4, 2019, March 14, 2019, and March 15, 2019; filing a letter on March 22, 2019; and filing an additional brief on March 25, 2019.

In this case, on March 22, 2019, Sankara moved for reconsideration and, on March 25, 2019, he supplemented that motion with a brief. Docket Items 17, 18.

"As part of its general power to administer its docket, a district court may stay or dismiss a suit that is duplicative of another federal court suit." *New Phone Co., Inc. v. City of New York*, 498 F.3d 127, 129 (2d Cir. 2007). This Court has thoroughly reviewed Sankara's motion for reconsideration and his submissions filed under docket no. 19-CV-174. Because Sankara has taken advantage of his opportunity to file another petition for a writ of habeas corpus challenging his immigration detention, and because his "claims [are] based on a 'common nucleus of operative facts,'" *id.* (quoting *Waldman v. Village of Kiryas Joel*, 207 F.3d 105, 113 (2d Cir. 2000)), this Court declines to consider Sankara's motion for reconsideration in this proceeding. Instead, this Court will address Sankara's claims in the regular course as part of his subsequent habeas proceeding.

CONCLUSION

For the foregoing reasons, Sankara's motion for reconsideration, Docket Item 17, is DENIED. Sankara shall make any additional submissions related to claims that address

the validity of his continued immigration detention under the docket number 19-CV-174.

The Clerk of Court shall close this file.

SO ORDERED.

Dated: March 27, 2019
 Buffalo, New York

s/ Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE